

SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

COMPLAINT LOG NO.
1076303

TYPE
Info

DATE OF REPORT (Day-Mo.-Yr.)
27 September 2015

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION. SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED. SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: ☐ CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY

☒ CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM -INVESTIGATOR'S NAME
Andrew V. Costello

RANK
Lt.

STAR NO.
195

EMPLOYEE NO.

UNIT ASSIGN.
004

UNIT DETAILED
212

REFERENCE NOS. (LIST ALL RELATED C.L., C. B., I.R., INVENTORY NOS., ETC., PERTINENT TO THIS INVESTIGATION)
RD HY352354, CB#19156553, SW 15SW6641

ADDRESS OF INCIDENT

DATE OF INCIDENT -TIME

23 July 2015 1231 hrs.

BEAT OF INCIDENT
213

ACCUSED

NAME

1. William McClelland

RANK
Sgt

STAR NO.
1420

EMPLOYEE NO.

UNIT ASSIGN.
006

UNIT DETAILED
212

2. John Foertsch

PO

9195

003

212

3. Kenneth Wojtan

PO

8548

005

212

SEX/RACE

D.O.B.

DATE OF APPOINTMENT
06May96

DUTY STATUS (TIME OF INCIDENT)
☒ ON DUTY ☐ OFF DUTY

☒ SWORN ☐ CIVILIAN

1. M/2

06/1/96

11Sep00

☒ ON DUTY ☐ OFF DUTY

☒ SWORN ☐ CIVILIAN

2. M/2

06/1/96

13Dec93

☒ ON DUTY ☐ OFF DUTY

☒ SWORN ☐ CIVILIAN

3. M/2

06/1/96

IF APPLIES, DATE ARRESTED/INDICTED CHARGES

COURT BRANCH

DISPOSITION & DATE

1.

2.

3.

COMPLAINANT

NAME

ADDRESS**

CITY

STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

VICTIMS

NAME

ADDRESS**

CITY

STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

WITNESSES

NAME

ADDRESS**

CITY

STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

Chicago, Il.

unk

47

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES

**IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

The complainant alleged that on 23 July 2015, between 1300 and 1400 hours, at the address of justification. that the accused officers entered her mother's house without permission and searched it without

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

There is no Sworn Affidavit (Att. 2) to support this complaint.

On 12Aug15, the R/Lt. was assigned to investigate CL #1076303. Notification re: investigator (Att. 3) sent to IAD. In the Complaint Against Department Member (Att.1), the complainant, [REDACTED] alleged that on 23 July 2015, between 1300 and 1400 hours, at the address of [REDACTED] Chicago, IL., the accused officers entered her [REDACTED] house without permission and searched it without justification.

The R/Lt. made several attempts to contact the complainant (Att. 4). On 15Aug15, a letter (Att. 5) was sent via certified mail (Att. 6) requesting that the complainant contact the R/Lt. as soon as possible. The certified letter was received and signed for by the complainant on 27Aug15 (Att. 7&8). On 02Sep15, the R/Lt. conducted a telephone interview with complainant [REDACTED] (Att. 9). In summary, she related that she was not present during the incident and therefore would be unable to sign the sworn affidavit. [REDACTED] provided the name of [REDACTED] as a witness to the incident. [REDACTED] was identified by [REDACTED] as the "live-in" boyfriend of her mother. Notification re: witness (Att. 10) sent to IAD. On 02Sep15, a letter (Att. 11) was sent via certified mail (Att. 12) requesting that [REDACTED] contact the R/Lt. as soon as possible. The USPS Tracking Confirmation (Att. 13) reflected that on 11Sep15, a notice was left at the residence after delivery was unsuccessful.

An event history search reflected that Bt. 4214 was at the location of [REDACTED] on 23Jul14, 1231 hours, under EV#1520407245 conducting a "Search" (Att. 14). Investigation Update re: corrected information (Att. 15) sent to IAD reflecting corrected time of incident. A Search Warrant Data form (Att. 16) reflected that Search Warrant #15SW6641 was executed on that date, time and location. The accused officers were identified from the Search Warrant Data form. Notification re: accused identified (Att. 17 through 27) sent to IAD. The Data Form also reflected that witness [REDACTED] was arrested during the incident under CB#19156553 (Att. 28) and recorder under RD#HY352354 (Att. 29&30). A copy of Search Warrant 15SW6641 was obtained (Att. 31). The Warrant identified the target location as [REDACTED]

[REDACTED] and contained Judge Panozzo's signature verifying that there were "facts sufficient to show probable cause" to enter and search the residence.

As of the date of this report, [REDACTED] as failed to contact the R/Lt. and the Complaint Against Department member is not supported by a Sworn Affidavit. The R/Lt. determined that the Complaint Against Department Member contained in C.L. #1076303 was UNFOUNDED. A time extension was submitted (Att. 32) for investigation over 30 days.

SUMMARY

ATTACH- MENTS	INVESTIGATIVE REPORTS- SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS- SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE
	none	16,28,29,30,31	none	32

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for --- days (not to exceed 5 days).

Allegation: The complainant, [REDACTED] alleged that on 23 July 2015, between 1300 and 1400 hours, at the address of [REDACTED] Chicago, IL., that the accused officers entered her [REDACTED] house without permission and searched it without justification.

Findings: UNFOUNDED, No Affidavit

Recommendation: NO DISCIPLINARY ACTION

FINDINGS - RECOMMENDATIONS

DATE INITIATED (Date complaint was received for investigation)	DATE COMPLETED (Date of this report)	ELAPSED TIME (Total time expressed in days)
12 August 2015	27 September 2015	47 days

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE